



BOARD OF FORESTRY AND FIRE PROTECTION

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MINUTES BOARD OF FORESTRY AND FIRE PROTECTION FULL BOARD OF FORESTRY MEETING

Sacramento, CA

January 10, 2007

BOARD OF FORESTRY MEMBERS PRESENT:

Stan Dixon, Chairman
Kirk Marckwald, Vice Chair
Jim Ostrowski
Bruce Saito
Mark Bosetti
Gary Ryneearson

BOARD OF FORESTRY MEMBERS ABSENT:

David Nawi
Pam Giacomini

BOARD STAFF:

George Gentry, Executive Officer
Eric Huff, Executive Officer, Forester's Licensing
Chris Zimny, Regulations Coordinator
Carol Horn, Executive Assistant

DEPARTMENTAL STAFF:

Crawford Tuttle, Chief Deputy Director
Bill Snyder, Deputy Director for Resource Management
Dave Hillman, Chief of Law Enforcement and Fire Prevention
Bill Stewart, Assistant Deputy Director
Duane Shintaku, Assistant Deputy Director
Dennis Hall, Staff Chief, Forest Practice
Giny Chandler, Staff Counsel

1. CALL TO ORDER

Chairman Dixon called the January 10, 2007 meeting of the Board of Forestry and Fire Protection to order.

2. ADJOURN TO EXECUTIVE SESSION

No Executive Session was held.

5. APPROVAL OF MINUTES

Approval of the November and December minutes was deferred to the February meeting.

6. REPORT OF THE CHAIRMAN

No report was given.

7. REPORT OF THE DIRECTOR

Mr. Crawford Tuttle, CDF Chief Deputy Director reported that the State Fire Marshal's office was in the process of rolling out its urban wildland interface fire strategy standards. The code will allow for variations of construction standards, based upon fire hazard conditions. Chief Wayne Mitchell will be in charge of revising fire hazard severity maps, and Chief Ernylee Chamlee will be in responsible for the new building standards.

Mr. Tuttle said the steeply rising cost of preventing and suppressing wildfires, which burned more of the American landscape in 2006 than in any other year since at least 1960, is creating a rift between Washington and state and local governments over how the burden ought to be shouldered. A study issued in November by the Inspector General's office of the USDA, said the nature of the wildfire threat was changing as private homes and communities pushed even closer to the boundaries of once-remote public lands. The Inspector General's report concluded the communities and landowners, rather than federal taxpayers, should have to pay for more of their own fire protection. Mr. Tuttle said how the costs will be shared would be an issue debated in congress this year.

8. REPORT OF THE CALIFORNIA OAK MORTALITY TASK FORCE (COMTF)

There was no report from the California Oak Mortality Task Force.

9. REPORT OF THE ADVISORY COMMITTEES

CALIFORNIA FOREST PEST COUNCIL

No report was made.

RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)

Chairman Dixon noted that the RMAC was meeting today.

MONITORING STUDY GROUP (MSG)

Chairman Dixon said the MSG has not met since the last Board meeting. No report was given.

PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)

Mr. Eric Huff, Executive Officer for PFEC reported the following five applicants had successfully completed the examination administered on October 6, 2006, and thereby met the requirements of PRC subsection 769 for licensing as Registered Professional Foresters. The pass rate of the exam was 45%.

Ms. Mary Beth Najera	RPF #2833
Mr. Benjamin G. Hawk	RPF #2834
Mr. Scott W. Eckardt	RPF #2835
Ms. Elsa K. Hucks	RPF #2836
Mr. Brent Allen Vanderhorst	RPF #2837

01-10-09: Member Ryneanson moved to accept as RPFs the five individuals for successfully passing the RPF exam. Member Ostrowski seconded the motion. All were in favor.

Mr. Huff announced there were two upcoming openings on the PFEC, one for the certified specialty representative and one for the RPF consultant appointment. The positions are currently filled by Mr. Michael Stroud and Mr. Doug Ferrier. Mr. Huff asked Member Ryneanson, Chair of the PFEC Nominating Committee, to consider nominating both individuals for the positions. No other nominations were forwarded with the exception of one from last year. Mr. Ferrier was nominated by the Association of Consulting Foresters, and Mr. Stroud was nominated by the Certification Panel for the Society of Range Management.

01-10-09: Member Ryneanson moved to reappoint Members Stroud and Ferrier to the PFEC. Member Ostrowski seconded the motion. All were in favor.

Mr. Huff said there will be a PFEC Meeting on January 25. The PFEC has made substantial progress on Policy #11. Mr. Huff distributed the PFEC Draft Policy Statement

Mr. Doug Ferrier, Chair of the PFEC said the policy statements have a five-year term on them for reauthorization. Mr. Ferrier asked for re-approval of the nine Policy Statements. The Policy Statements are to let people know how the Licensing Office acts when: someone applies to become an RPF, how they handle complaints, what constitutes a complaint, how the complaint is processed, and what the grounds for a complaint against an RPF are. Mr. Ferrier said in the year 2000, it was decided that Policy 4 was ambiguous and it was dropped at that time. Policy 11 is being worked on and it is not part of the draft package which was distributed today. Mr. Ferrier said some minor editorial corrections were made, but that no substantive changes were made from the previous Policy Statement.

01-10-09: Member Ryneanson moved to accept the PFEC Policy Statement. Member Marckwald seconded the motion. All were in favor.

Mr. Huff noted the passing of RPF #66, Mr. John McGregor, and the passing of Certified Rangeland Manager #11, Mr. Monte Bell. Mr. Huff said there was a new certified Rangeland Manager #92, Mr. Barton Cremers, who passed the April 2006 CRM exam.

10. PRESENTATION BY NOAA FISHERIES ON AN UNAUTHORIZED TAKE OF FEDERALLY THREATENED STEELHEAD: NOAA CASE NO. SW020417A

Ms. Charlotte Ambrose, National Marine Fisheries Service Recovery Coordinator, and Ms. Amanda Wheeland, NOAA, Office of the General Counsel for Enforcement and Litigation gave a powerpoint presentation on NOAA Case No. SW020417A. Ms. Ambrose said the purpose of the information she was going to present was to let the Board know what work NOAA has done over the last few years. The parcel of land Ms. Ambrose referred to was in Mendocino County. The landowner was converting 130 acres of timberland into vineyards in accordance with California's Forest Practice Rules under a 1999 THP and Timber Conversion Permit approved by CDF. The NTMP was approved on 8/30/01, the THP Conversion was approved on 5/18/99, and the Conversion Permit (ND) was approved on 5/7/99. Ms. Ambrose said the land conversion involved cutting trees and permanently removing mature redwood and Douglas fir forest stands, mechanically removing tree roots, soil ripping, road and draining construction and extensive land grading. Those activities resulted in widespread erosion on the property that deposited significant volumes of hillside soil into nearby steelhead trout streams, killing the steelhead and trout in violation of federal law. The landowner, Mr. Stuart Bewley of Alder Springs Ranch, was assessed \$105,600 for eight violations of the ESA. That initial assessment was reduced to \$10,000 in consideration of the landowner's cooperation, and his \$870,000 investment to address erosion problems on the property. A settlement agreement was reached, including an admission of guilt in violating the ESA, with the final penalty to the landowner being reduced to a civil crime and a fine of \$10,000. Ms. Ambrose said her agency's position was that Forest Practice Rules are still harming salmonids and timber harvest activities are also harming salmonids. NOAA felt the Forest Practice Rules need to be improved and the problem addressed.

Mr. Christopher J. Carr, Partner, Morrison and Foerster, LLP, said he was here today representing the California Forestry Association and he was the attorney who represented the landowner in NOAA Case No. SW020417A. Mr. Carr said he wanted to explain to the Board some of the history of the case, and said the case had been hijacked. Mr. Carr said a few days after the administrative settlement, NOAA provided a draft press release in October 2006. Mr. Carr said under the direction of Ms. Ambrose, that the draft press release was transformed into what was ultimately issued on January of this year. The original draft press release issued in October had the title "NOAA Fisheries Service settles civil suit with farmer for harming federally-protected steelhead trout." The January press release read "Forestry landowner violates Federal Endangered Species Act and is fined by NOAA Fisheries Service for harming and killing federally-protected steelhead trout while operating under a State of California approved timber plan". Mr. Carr said another important discrepancy to note was that the January press release erroneously and falsely states that the conversion involved removing mature redwood and Douglas fir forest stands. Mr. Carr said the October draft release did not contain that language because it was not true. He felt the language was inserted in the January press release to raise the profile of the case and to use it for a larger policy agenda. Mr. Carr said NOAA Fisheries went out and targeted a timber harvest plan to which the landowner and LTO complied, and NOAA Fisheries was trying to make a point that the Board of Forestry and CDF administration, RPFs, and the THP Review Process was not up to the task of protecting salmonid resources in California. In a note made by the landowner regarding about a conversation he had with Ms. Ambrose in November 2002, she said "we are not really going after you, this is a problem with CDF, the approving agency, not the landowner." Mr. Carr said NOAA Fisheries targeted a THP on the land of a non-industrial timberland owner, who did not have the same financial incentive as a large commercial timberland owner would have. Mr. Carr estimated it would have cost the landowner from \$300,000 to \$500,000 in fees to prove his innocence. Mr. Carr felt if the case had been litigated, the landowner would have prevailed. Mr. Carr said Ms. Ambrose lacks credibility.

Dr. Alice Rich, who owns and manages a fishery service, said she wrote a critique to the report written by NOAA in August of 2005. She found the report to be "goobly gook". Dr. Rich said the conclusions stated in the report were not based on scientific fact.

Member Ostrowski said he would like more information so he can understand what happened.

Member Marckwald said the Board should not get drawn into a debate on what happened. The Board will review the rules. He said agency has been consistent with their responsibilities under the Federal Endangered Species Act.

Member Ryneerson asked if this was a policy issue or an enforcement issue.

Ms. Giny Chandler said CDF worked with Water Quality and Water Quality took the lead. Ms. Chandler said this was a policy issue. She said Mendocino County does not even have a grading ordinance. Ms. Chandler said CDF does not have enforcement authority on vineyards two years after a THP had been completed

PUBLIC COMMENT

Mr. Paul Mason, Sierra Club, said the landowner broke law, and it was settled. Mr. Mason said NMFS point was that the Forest Practice Rules do not adequately protect salmonids, and the Board is the body to take a proactive step.

Mr. Richard Gienger said the landowner spent close to \$1 million in corrective measures. Mr. Gienger asked why that was necessary, he said there should have been monitoring.

Ms. Jodi Frediani, Sierra Club Santa Cruz Group, asked why there was no erosion plan when the TCP was approved. She brought attention of similar problems in Santa Cruz County. Ms. Frediani said too many things are deferred until after plan has been completed. Ms. Frediani urged the Board to take this issue seriously.

Chairman Dixon said he did not think this was the time to go into the case any deeper. Chairman Dixon told Board Members if they think there are issues from this debate to talk to the Chairman of the Forest Practice Committee to determine if the issue needs to be addressed.

11. HEARING: UTILITY CLEARING EXEMPTION, 2006

Regulations Coordinator Chris Zimny said today is the public hearing based upon the 45-day notice to adopt regulations of Title 14 of the California Code of Regulations (14 CCR) Division 1.5, Chapter 7 Fire Protection, and Article 4, subsection 1257 (Except Minimum Clearance Provisions). The proposed regulation amends the fire prevention standards for electrical utilities. The proposed regulation adds subsection 1257(a)(3), a new exemption to existing utility vegetation clearing requirements. The proposed exemption allows for healthy, mature trees (trunks and limbs), that are sufficiently rigid so they do not present a risk to public safety, to be closer to powerlines than the minimum clearing distance under existing regulations. These trees/limbs are commonly referred to as major woody stems, or MWS. The new exemption would reduce the allowable minimum clearance between the MWS and energized lines to six inches, compared to the existing clearing requirement of four feet (for lines less than 75,000 volts). The proposed exemption would be permitted for a limited period, expiring December 31, 2008. The exemption would apply to utilities lines in the State Responsible Area (SRA).

Chief Dave Hillman, Deputy Director, Chief of Law Enforcement and Fire Prevention, said the project had been ongoing for about six months. Chief Hillman the initial science looked good. The history of fires caused by this type of incident were extremely low. Chief Hillman said the Department would support a temporary or two-year exemption, which would give the Department an opportunity to study the issue with electrical companies. Chief Hillman said cooperators, especially contract counties in Southern California, were extremely concerned about this issue, until he explained that it would be a

temporary, two-year issue, and nothing would be reduced in the current safety standard, they were more comfortable, and willing to support the temporary exemption. It was never the intent of the Department to have the exemption apply to transmission lines, only distribution lines. CDF will initiate a study to analyze what the effect of this temporary exemption will produce. Chief Hillman had a conference call with PG&E to discuss the three concerns raised by the CPUC. Two primary concerns: Transmission Systems v. Distribution Systems, and the concern of the six-inch minimum separation as it relates to “reasonably foreseeable local wind and weather conditions”, have been resolved to the satisfaction of CDF and the CPUC. PG&E agreed to amend the proposal to reflect Distribution Systems only and re-insert the “weather” language. Chief Hillman reported the CPUC concern that the proposed exemption applied to major woody stems that have been established in their current location for a minimum of ten years was not resolved. CPUC feels that the requirement is unnecessary. Chief Hillman said CDF did not have a strong feeling about that issue, but supported the CPUC’s opinion that the requirement was unnecessary. Chief Hillman said CDF was comfortable with pursuing the two-year temporary exemption.

PG&E Representative Lise Jordan said she fully supported Chief Hillman comments. Ms. Jordan said PG&E’s main concern was that the exemption should only apply to primary distribution not transmission.

PUBLIC COMMENT

Mr. Ken Roye, Attorney-at-Law in California for 30 years, said he has been litigating against PGE on powerlines and fires caused by poor clearances and hazard trees since 1988. Mr. Roye said he was at the Board Meeting to speak against the Major Woody Stem Exemption. He said no one has addressed a standard of care in the industry. Mr. Roye said PGE does not require its contractors to use Certified Utility Specialists to do their inspections, and they do not spend enough money on their pre-inspection programs. Mr. Roye suggested the Board contact the National Society of Horticulture and Utility Arborist Association and request they make a presentation.

Mr. Richard Gienger said the Major Woody Stem Exemption is more complex than meets the eye. Mr. Gienger supported CDF comments and concerns. Mr. Gienger suggested adding some additional language regarding inspections.

Member Bosetti said with regard to clearance vs. inspection that this was not exempting any inspection or department from inspection.

Chief Hillman said the initial request was for two exemptions, one was for hazard trees. CDF told the utility that they would not discuss exemptions on hazard trees, those are a case-by-case issue that would be decided on the ground at the inspection site.

Member Ryneerson said the Board received a letter from USDI, Bureau of Reclamation, in which they ask if two years is a long enough proposed test period to know what the consequences would be, and if the regulation is effective.

Member Bosetti said the RPC felt that two years was sufficient. When the exemption expires, it would come back to the Board.

Member Ostrowski asked Chief Hillman if it was clear that the exemption only applied to distribution lines and not to primary carrier lines.

Chief Hillman said the draft did not differentiate between distribution and transmission. Chief Hillman said the revision would clearly identify that it only applies to distribution lines. Before CDF would support

the package, two changes need to be made. The first was to re-evaluate the weather conditions that were applicable, and the second was to clearly define that this applies only to distribution lines.

Member Bosetti said based on the testimony received today, there were issues that need to be resolved, which Member Bosetti felt could be covered in a 15-day notice. Member Bosetti suggested to the Board that they accept the recommendations of the CPUC relative to refining the definition of the application to distribution lines and inclusion of the letter language, and then put it to a 15-day notice for incorporation of the changes and any additional changes that may come up during discussion.

Member Marckwald felt it was appropriate for a 15-day notice because it was clarification. Member Marckwald said it would be useful to have access to local people, and to make sure the broad public was aware.

01-10-11: Member Marckwald moved to close the public hearing. Member Bosetti seconded the motion. All were in favor.

01-10-11: Member Bosetti moved that the Board direct staff to incorporate the proposed changes from RPC and CPCU that were discussed here today into a 15-day notice. Member Marckwald seconded the motion. All were in favor.

12. UPDATE ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR JACKSON DEMONSTRATION STATE FOREST (JDSF) DRAFT MANAGEMENT PLAN. FOLLOW-UP FROM PREVIOUS SPECIAL MEETING OF THE BOARD.

Dr. Russ Henly said CDF was continuing to work on refining the plan, and they are getting close to having a complete plan for the Board and public to review.

Member Ryneerson said he and Member Nawi met as a Subcommittee last week with the Mendocino Group. Member Ryneerson said the meeting was attended by staff and state forest advisory committees. There were two or three requests from the Mendocino Group that they would like to see included in Alternative G. Member Ryneerson said they are in the process of developing a new alternative, and that alternative would be considered in conjunction with the existing alternatives that have already been properly noticed and circulated for comment. Member Ryneerson said the pending action for Alternative G was that the Board agendaize for the February meeting a review of Alternative G and at that time take input from interested parties including the Mendocino Working Group with requests for any modifications specific to that Alternative.

At the end of the discussions, Member Ryneerson hoped the Board would be prepared to formalize Alternative G and release it for a 45-day recirculation, which would allow the public and agencies to comment and review Alternative G, and then bring it back to the Board for consideration of the entire draft EIR, including all of the Alternatives, with the desired outcome to finalize and certify the EIR, and move forward with the appropriate modifications based on the certified EIR to the Jackson Management Plan. Member Ryneerson said his recommendation was to agendaize the issue for the February meeting with a very clear message that the Board is seeking input from all interested parties, including elected officials, including the Fort Bragg City Council and Mendocino County Board of Supervisors and other interested parties. Member Ryneerson said the Board needed to get the Alternative G out as soon as possible to give people a full opportunity to review and prepare comments.

Dr. Henly said CDF would continue to finalize the changes discussed for the draft management plan for the Board and members of the public consideration. Dr. Henly said CDF would invite the people Member Ryneerson mentioned.

Chairman Dixon thanked Mr. Stewart for all his hard work, and wished him well in his new position at Berkeley.

PUBLIC COMMENT

Mr. Bill Heil, representing Mendocino Micro Mills, said he appreciated and supported the work by the Mendocino Group. Mr. Heil said timber is being sold in Jackson Demonstration State Forest was the same way it was sold in the 1950's. He said the people who own small mills could use high quality redwood, but it is not available to small mill owners because they don't have the money. Mr. Heil would like to have Jackson stop selling standing timber, and just sell logs.

Member Ryneerson said the Board recognized the changing markets in Mendocino and the North Coast, and they also recognized that there could be a demonstration of stumpage sales vs. delivered log sales at Jackson. Member Ryneerson said the other issue was to make lots of logs at designated locations that are available for sale on a you-haul basis.

1-10-12: Member Ryneerson moved to have the Board agendaize for the February meeting a discussion of Jackson Demonstration State Forest Alternative G via presentation by staff, and that the Board direct staff between now and the February meeting to transmit a copy of the draft of Alternative G to the Fort Bragg City Council, Mendocino County Board of Supervisors, associated agencies and other interested parties for their review and invite those parties to participate in that discussion at the February Board meeting. This includes an agendaized potential action item of a 45-day recirculation notice for Alternative G for public review. Member Bosetti seconded the motion.

Member Ostrowski asked that the Board Members get an advance copy of Alternative G for review before February meeting.

Member Ryneerson said he wanted to make it clear that his motion included any legal requirements that the Board might need to undertake either by the Chair or by the Executive Officer for the recirculation notice, and that they were authorized to undertake those without any further action. Member Bosetti accepted Member Ryneerson's amendment to the motion. All were in favor.

13. UPDATE BY THE DEPARTMENTS (CDF AND DFG) ON FISH AND GAME CODE SUBSECTION 2112 REGULATIONS

Executive Officer Gentry said pursuant to the Special Board Meeting last Friday, he had been developing the option that was specific to coho salmon. He had taken the first crack at drafting such a document, the document, referred to as V2, and was distributed to Board members. The Commission, pursuant to Section 2112 of Fish and Game Code, provided policy guidance to the Department of fish and Game by selecting items 16, 17, 18 to be used by the Department to develop take regulations. Those items were part of the coho watershed specific items from the last package presented to the Board, and they were specific enhancements to the T/I Rules. The Executive Officer said the document had a definition section, a 916 Section that was specific to coho watersheds, a 923 Section that was roads, specific to coho watersheds, and an adaptive monitoring and management section for 916 as

well. Mr. Stopher and Mr. Hall reviewed the draft. The T/I Regulations were still pending. Mr. Gentry told the Board the previous package they had contained a section on 916 rules specific to coho watersheds, that section was still there but, added into it were specific provisions of the T/I Rules that were necessary for coho watersheds. Executive Officer Gentry said the next step for the Board was to authorize the Executive Officer to work with staff to finalize the missing details or elements for a potential 45-day notice for rule making by the Board. Mr. Gentry felt it would take an extra meeting before the February meeting to make that happen.

Chairman Dixon said if special meeting was in plan, it would take some manipulation to get enough Board members to attend.

PUBLIC COMMENT

Mr. Paul Mason, representing Sierra Club, said he was confused by Executive Officer Gentry's presentation referring to coho watersheds. Clearly it would only apply to plans where Fish and Game finds take. Mr. Mason said to remove sunset from the T/I rules.

Chairman Dixon said that Member Nawi made a motion at the May Board meeting when the Board extended the sunset to December 2007, that if the science review was not completed to a point in the rule-making process, that the Board could automatically take up the extension of T/I. If the science review showed that T/I were not necessary, the Board would be committed to deal with that issue at the time.

Executive Officer Gentry said what was in the package were specific elements of T/I that were required. Elements of T/I would not sunset.

Mr. Jeff Shellito, representing CALTROUT, asked how the board anticipated moving forward and issuing a notice for the next meeting. Mr. Shellito felt the package should be referred back to committee. Mr. Shellito said the package had only moved backward without anything being voted on by the Board, and something needed to change. Mr. Shellito was glad this issue was moving forward and not getting bogged down. Mr. Shellito reaffirmed what Mr. Mason said.

Ms. Michelle Dias, representing California Forestry Association, thanked the Executive Officer for his presentation. Ms. Dias felt this should be only for state listed coho. Ms. Diaz recommended holding at least two days of special meetings where people could engage in a dialogue. Ms. Dias said she would attend all meetings, and CFA was concerned about the process.

Mr. Richard Gienger said he agreed with Mr. Shellito and Mr. Mason. Mr. Gienger said the language had a lot of different conditions that were in T/I only if DFG determines there is likely take. Mr. Gienger was disappointed that the Board was not trying to get verification from stakeholders.

Mr. Peter Ribar, representing Campbell Timberland, thanked Executive Officer Gentry for moving forward with a document for comment. Mr. Ribar believed there were alternate ways to achieve the same goal, and he thought a copy of document should be kept static. Mr. Ribar said this was the first time to be able to talk about substance. Mr. Ribar urged board to hold multiple meeting in the next few months, and agendize as many meetings as possible in advance.

Ms. Jodi Frediani, representing Sierra Club, said this issue had been out for ten years, and it had been before board since August. Ms. Frediani asked why it was on the fast track. Ms. Frediani agreed with Mr. Mason and Mr. Shellito. Ms. Frediani said holding multiple meetings during month in Sacramento was a hardship on people in her community who would like to address this issue.

Chairman Dixon said Resources Secretary Chrisman asked the Board to consider the possibility of the Board lending its process and its rules to helping the Fish and Game Commission deal with the Incidental Take Issue. Chairman Dixon said Secretary Chrisman was not insistent that the Board only use the broader version, he was interested in trying to get the coho issue resolved. The Board heard from NOAA Fisheries when the Board was interested in a HCP that it was a much bigger issue than what the Board was dealing with on the package today. Chairman Dixon didn't see a problem with dealing with the coho issue now with assurance from Fish and Game that what the Board was proposing satisfied their needs on how to deal with the Incidental Take Issue and for granting Incidental Take Permit. Chairman Dixon said if the Board could take that step and complete it that would be the first step. Chairman Dixon did not believe the Board had any intention of backing away from a process to deal with the all anadromy, including NOAA Fisheries and the HCP process. Chairman Dixon said he heard unanimous approval for moving forward. Once it is put in a rule package and it goes out for a 45-day notice the Board would get the kind of comments that are concrete, and people's final indication of what is acceptable and not acceptable, then it would come to a vote before the Board. Chairman Dixon said the package is close to being something that actually protects coho. Chairman Dixon wanted assurance from Fish and Game that the T/I Rules that get put into the package are more than adequate to do what they are bound by statute to do. If Fish and Game cannot give the Board that assurance, then Chairman Dixon said it is "no deal". Chairman Dixon said the process is going to be broken if the Board does nothing.

Member Bosetti agreed with Chairman Dixon. Structurally, he would like to have the rule package noticed for 45-days by March. Member Bosetti said the Board needs to have a schedule to get them down that road. Member Bosetti said the Board should have one special meeting in February and then one special meeting in March until the package has been noticed. The Board needs to decide on structure, and who will chair, and what kind of delegation the Board wanted.

Member Marckwald said the Board could develop a clear understanding between now and the next meeting. He agreed with Member Bosetti's observation. It may take 1 or 2 meetings to get the 45-day notice out. Member Marckwald wants to clearly hear the process DFG would use to satisfy the Commission, he also wanted to hear from DFG that they have the manpower to do reviews. Member Marckwald recommended having the Executive Officer figure out a time for the group to meet, it would not have to be a full Board meeting. There are some specific questions Member Marckwald would like to see in writing. Member Marckwald felt it would be a good idea to take the T/I Rules out and put them aside. He felt the Board needed to show where they were deviating from the T/I Rules so that the public could understand. Member Marckwald said this was not the avenue to change T/I Rules.

Member Ostrowski agreed with Members Bosetti and Marckwald points. He hoped a special meeting would provide answers. Member Ostrowski said the Board needed to clarify the goals and process they are trying to facilitate, and scope issues that the public had and any other issues involved with the Incidental Take Process. Member Ostrowski hoped after the first special meeting to have a revised draft based on the issues brought forward.

Member Ryneerson said the Board needed to remember how they got to here. DFG had been working on the Incidental Take Permit for Coho proposal for two years. Member Ryneerson said the Board was dealing with two separate issues – recovery and incidental take. The first proposal was to include all listed salmonids in the HCP, and would take about five years. Member Ryneerson said this was a huge opportunity to move forward to protect coho. Member Ryneerson urged the Board to work with agencies and move forward as soon as possible.

Executive Officer Gentry said last Friday at the special Board meeting, he laid out four policy options for the Board, which they could choose to undertake. Mr. Gentry's instructions, at that time, were to

investigate policy option #1, which dealt with the coho ITP issues, and at a later time dealing with the T/I issues. Mr. Gentry said the point of the motion was to develop regulations for coho ITP.

Member Rynearson said the motion was to do exactly that, and to do so with the Forest Practice Committee meeting, with members of the Board as a whole, comprising that Committee, and to have a 45-day notice prepared by the March meeting.

Member Bosetti said he didn't think any set language or composition of language had been decided on at last Friday's meeting, but they agreed to work toward achieving an ITP through the Board's process.

- 1-10-13: Member Marckwald moved to direct the Executive Officer as soon as possible to fashion a proposal to be developed in concert with the full support of the Department of Fish and Game and Department of Forestry and Fire Protection that:**
- (1) Clearly indicates existing T/I language, indicates changes to that language, and explains the need for those changes.**
 - (2) Is supported by additional written material that:**
 - (A) explain how this proposal is consistent with guidelines from the Fish and Game Commission with respect to Coho ITP;**
 - (B) explain how DFG will determine to which THPs those provisions will apply.**
 - (3) The Executive Officer work with the Chairman of the Board of Forestry to assure the Board or a Subcommittee of the Board would consider the proposal and provide sufficient public review for the Board of Forestry to consider a 45-day notice at the March Board of Forestry Meeting.**

Member Saito seconded the motion.

Member Marckwald said the Board was looking for clarification from Fish and Game to say this is consistent with the guidance and this is how it is going to work. Fish and Game will work with the Executive Officer, but the Executive Officer ultimately has to package it all together. Member Marckwald said he was building off the written explanation to sort how this would work along with what Member Bosetti said about why this is consistent with the guidelines and how do you fill in the sections that are not filled in and also with the questions the public asked about how does this really work on THPs, is it a watershed basis, is it a map basis, is it a case-by-case basis. DFG has to answer those questions in writing and then the Board can talk to them when the Board holds the meeting.

Member Marckwald said the proposal specifically said the EO should work with the Chairman of the Board to assure that the Board or subcommittee of the Board would consider the proposal and provide for sufficient public review, in an attempt to get to a 45-day notice. Member Marckwald said it was the prerogative of the Board or the Chair of the Forest Practices Committee to figure out when he could do it, when the Chair could meet, and talking to other Board Members. The intent was to have as many people as possible should sit, but to Member Bosetti's point if for some reason it should be a committee, then make it a committee rather than a full Board and don't get into a 5-person forum problem. Member Marckwald said there might be a day that works when the full Board could meet, the Executive Officer could do a consensus of who could be there and who cannot be there, then he would be empowered to call it as a special meeting.

Member Rynearson thought it made more sense to meet as the Forest Practice Committee and not a special meeting of the full Board.

Member Marckwald said due to the fact that the Chair of the Forest Practice Committee was not at the meeting, he felt the Executive Officer and Chairman Dixon consult with Member Nawi when he returned, so they can figure the best day to get the most number of people, and if it is the Forest Practice Committee that is fine, and if it is the full Board that is also fine.

Member Marckwald said if the sense of the Executive Officer was that he was going to work with the Chair of the Board to get the greatest number of Board Members to meet in a timely fashion in whatever way it is, and avoiding the situation of a quorum, the Chair of the Board should sort that out.

Member Ryneanson said he thought that particular part of Member Marckwald's motion was the only thing that was in conflict with the previous motion.

1-10-13: Member Marckwald amended his motion to include: to sit as a committee as a whole, sit as a full-Board, or sit as the Forest Practice Committee, whichever allowed the Board to have the greatest participation as soon as possible, and not get hung up on the five-person quorum needs of the full-Board. Member Saito accepted Member Marckwald's amendment to the motion. All were in favor of the motion.

14. DISCUSSION OF THE MONITORING STUDY GROUP STRATEGIC PLAN. POSSIBLE ACTION ITEM.

Mr. Pete Cafferata showed Powerpoint presentation on the Monitoring Study Group Revised Strategic Plan. A copy of Mr. Cafferata's presentation was included in the Board binder. The presentation covered the history and background of MSG, MSG accomplishments, MSG work in relation to other monitoring efforts in California, revised monitoring study group goals, summary for the revised MSG Strategic Plan and revised monitoring study group goals.

The summary for the revised MSG Strategic Plan are:

- MSG to remain "unstructured" group, meeting 4-5 times per year
- MSG structured" subcommittees formed to produce work products when needed
- MSG to provide sound advise to BOF or BOF appointed SRT
- MSG to continue to provide guidance on developing programs testing RPF effectiveness
- MSG to disseminate information in a timely manner.
- MSG to facilitate use of results for training.

01-10-14: Member Marckwald moved to adopt the Revised Monitoring Study Group Plan with the changes discussed. Member Bosetti seconded the motion. All in favor.

PUBLIC COMMENT

Richard Gienger said he cannot overemphasize thoroughness and capability Mr. Cafferata brings to the Monitoring Study Group. Mr. Gienger was disappointed that there was not more public participation on MSG. Mr. Gienger was encouraged with the direction the MSG had taken.

15. PRESENTATION ON THE BORAD'S DRAFT POLICY STATEMENT. POSSIBLE ACTION ITEM.

This agenda item was deferred until the February meeting.

16. STANDING COMMITTEES OF THE BOARD

FOREST PRACTICE COMMITTEE (FPC)

Member Ostrowski reported that the FPC meet yesterday with he and Member Bosetti in attendance. They received a progress report from Mr. Zimny on the T/I Rule Technical Advisory Committee, they have had five meetings so far. The next meeting will be held on January 22 in Redding. The progress was going very well. The TAC was developing revised key questions and background papers on some of the issues revolving around riparian zone management. Member Nawi said the TAC was in the process of sending out letters to other experts requesting possible literature to review. The TAC hoped to have a final draft Scope of Work for the FPC to review in February. Member Ostrowski said the timelines would be tight for the rule-making process.

Mr. Clay Brandow gave a presentation on the Modified Completion Report. Mr. Brandow is working on presenting the results, similar to what he presented to the Board, to workshops, licensed timber operator training, water board meetings, etc. Mr. Mike Jarvis, Deputy Director of Communications, discussed possibilities of what CDF can do in communicating those results. The FPC, with the Board's concurrence, would like to have CDF prepare an informational press release in sync with the original adoption of the Modified Completion Report. Mr. Jarvis will prepare a press release this week and transmit it to the Executive Officer. Member Ostrowski said Mr. Jarvis was planning on a presentation to the full Board in February to discuss possible ideas for a broader communications program for the Board.

Chairman Dixon said all Board Members would have to see the press release before it is released.

Member Ostrowski said the FPC had a discussion and review of Fuel Hazard Reduction Regulations, Forest Fire Prevention Exemption and Fuel Hazard Reduction Emergency Notice, which are sunsetting at the end of this year. The discussion revolved around trying to identify some of the areas where reasons why these programs or rules had not been applied as much as anticipated. CDF was sent a letter requesting their analysis regarding use of the exemption, they are in the process of responding. Senator LaMalfa's office will be contacted about their intent new rule legislation.

Member Ostrowski said staff had been working with the Lahontan Water Quality Control District to look at revisions to a waiver. FPC heard a report from the Road Rules Task Force, at which Mr. Spittler said they continue to make progress and were in their final review of the complete package, and would make a report to the FPC in March.

POLICY COMMITTEE

No Policy Committee meeting was held.

MANAGEMENT COMMITTEE

Member Ryneerson said the Management Committee met yesterday. They had a discussion on the PTEIR memo, and release of the memo. Member Nawi requested some changes, the Committee went through the requested changes and made some modifications to the memo based on Member Nawi's request. A new draft of the memo had been prepared, which will be forwarded to Deputy Attorney General Ashby for her review and concurrence. Member Ryneerson said the changes added clarity to the memo. The Committee hoped to have the memo before the Board in February, and Member Ryneerson requested the PTEIR memo be agendaized for discussion at the February Board Meeting. It

was the recommendation of the Committee that the PTEIR memo be sent to the Director, THP Review Team Agencies, and other interested parties. Under a separate cover the memo should also be sent to Chief Forester Mike Jani of Mendocino Redwood Company.

Mr. Allen Roberson prepared a draft PTEIR Guidance Document that will be on the website within two weeks, and would be ready for the Management Committee to review at the February Board Meeting. The document would provide guidance to landowners, RPFs, Review Agencies, and the public as to how the PTEIR system works. It is not a new policy or direction, but simply a reporting in one place of the PTEIR.

There was no new draft for the Committee to review on the Road Management Plan. The Road Management Plan is a voluntary, optional plan. Member Ryneerson said the Committee recommended moving forward with the Road Management Plan and work with staff and Deputy Attorney General Ashby. If the Board were to pass the Road Management Plan, it would not be effective until January 2007.

Member Ryneerson said the Committee had a brief discussion on Sustained Yield Plans (SYPs) and determine whether or not a fuller presentation would be useful or if there was a need to develop a similar guidance document explaining how the Sustained Yield Plan works and the approval of Timber Harvest Plans associated with Sustained Yield Plans. Member Ryneerson said this would be an agenda item for the February meeting.

Member Ryneerson said the Committee discussed the NTMP Sustained Yield document, which was written last year by CDF, and was still under review by CDF. Member Ryneerson asked for an update on the NTMP Sustained Yield document at the February meeting.

RESOURCE PROTECTION COMMITTEE (RPC)

Member Bosetti and Member Saito met yesterday as the Resource Protection Committee. One action item came out of the committee was the General Plan Safety Element Reviews. The City of Petaluma, Lake County and the Riveria Developments submitted plans. The City of Petaluma plan was not complete so no action was being taken on it. The Lake County draft analysis was prepared by staff. Staff indicated that there is input yet to be received from the Unit. The Committee's recommendation, after discussion, was to direct staff to prepare and incorporate the comments from the unit into the comments offered up for the Committee's review as the Board's final comment to Lake County and Riveria Development.

01-10-16: Member Bosetti moved to direct staff to prepare and incorporate the comments from the unit into the comments offered up for the Committee's review as the Board's final comment to the Lake County and Riveria Developments. Member Ryneerson seconded the motion. All in favor.

Member Bosetti said the Committee discussed the Vegetation Treatment Process and a framework review. The Committee formed a work group for VTP, consisting of two Committee members and members of the Department. The FPC heard a report from Regulations Coordinator Zimny regarding the VTP EIR. Mr. Zimny said a draft was in place and the subcommittee will review it and provide comment to the contractor. The Committee received a letter from RMAC requesting clarity on the intent and content of the VTP Programs/Policy Review Workgroup that was formed at the direction of the RPC. RMAC would welcome the RPC's assistance with understanding the intent of the Workgroup, and receiving information on how the RPC expects the process to unfold given its present composition. RMAC supports the concept of allowing stakeholder input for the formation of conclusions,

recommendations, and action items that may result from the activities of the VTP Programs/Policy Review Workgroup. RMAC believed the input should come from stakeholders with direct interest and experience in dealing with CDF programs for vegetation management. The RPC directed staff to prepare a letter to clarify the process to RMAC.

17. REPORT OF THE REGULATIONS COORDINATOR

Regulations Coordinator Zimny said based on actions today, the Board would have a 15-day notice hearing put out for a public hearing on the utility regulation heard today, and potentially the revised RMP will be re-noticed as it becomes available.

18. REPORT OF THE EXECUTIVE OFFICER

Executive Officer Gentry said he will send a memo to Board Members with tentative meeting locations for the year. Tentatively, the locations are Burney, Fort Bragg, Mammoth (joint meeting with Sierra Nevada Conservancy), Monterey, and Riverside.

19. PUBLIC FORUM

Mr. Richard Gienger said the Road Management Plan needs to make clear that it is voluntary, and an option. Mr. Gienger appreciated Member Marckwald's comments and concerns about DFG's capability to process reviewing plans.

20. NEW AND UNFINISHED BUSINESS

None

21. ADJOURNMENT

The Chairman adjourned the January 2007 meeting of the Board of Forestry and Fire Protection.

Respectfully submitted,

ATTEST:

George D. Gentry
Executive Officer

Stan Dixon
Chairman

Copies of the attendance sheets can be obtained from the Board Office.